

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

ANNE MCKEE, THE SOLE AND ONLY  
SURVIVING HEIR AT LAW OF  
NARLEE H. BROOKS, DECEASED,

Plaintiff,

vs.

BEVERLY ENTERPRISES-MISSISSIPPI,  
INC., AND DOES 1-10,

Defendant.

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NO. 4:05-cv-00063-TSL-AG

**JOINT MOTION AND AGREED ORDER TO DISMISS CASE WITH  
PREJUDICE UPON CONSUMMATION OF SETTLEMENT**

COME NOW, Plaintiff, Anne McKee, the sole and only surviving heir at law of Narlee H. Brooks, deceased, and Beverly Enterprises – Mississippi, Inc., and jointly move this Court to dismiss this action with prejudice at such time as the parties consummate and finalize the agreed upon settlement reached in this matter at mediation.

THIS MATTER having come before this Court on this Joint Motion to Dismiss With Prejudice, and this Court having heard said motion, finds and orders as follows:

1. The parties to this action have reached a confidential settlement agreement and are currently working to consummate and finalize the settlement of this matter in the Chancery Court of Lauderdale County, Mississippi.

2. Upon consummating and finalizing the settlement of this matter, this case shall be dismissed by this Court with prejudice without the need of any additional motions by the parties. The parties shall notify the Court at such time as the settlement

of this matter is finalized, and, at such time, this case shall be dismissed with prejudice by this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that this matter be dismissed with prejudice upon notice to this Court that the settlement in this matter has been finalized.

Ordered this the 19<sup>th</sup> day of September, 2006.

/s/ Tom S. Lee  
The Honorable Tom S. Lee

Agreed to by:

By: /s/ James M. Mars, II  
James M. Mars, II, Esq.  
MARS, MARS AND CHALMERS  
Post Office Box 612  
Philadelphia, Mississippi 39350

ATTORNEY FOR PLAINTIFF

By: /s/ Christopher B. Estes  
Charlie J. Potts  
Christopher B. Estes  
ALFORD, CLAUSEN & McDONALD, LLC  
One St. Louis Centre, Suite 5000  
Mobile, Alabama 36602

ATTORNEYS FOR DEFENDANTS